Lester L. Levy *(Admitted Pro Hac Vice)*
Michele F. Raphael *(Admitted Pro Hac Vice)*
WOLF POPPER LLP
845 Third Avenue
New York NY 10022
Telephone: 212.759.4600
Facsimile: 212.486.2093
e-mail: llevy@wolfpopper.com
e-mail: mraphael@wolfpopper.com

William M. Audet (SBN 117456)
AUDET & PARTNERS, LLP
221 Main Street, Suite 1460
San Francisco, CA 94105-1938
Telephone: 415.568.2555
Facsimile: 415.568.2556
e-mail: waudet@audetlaw.com

Attorneys for Plaintiffs and the Proposed Class

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

CLRB HANSON INDUSTRIES, LLC d/b/a INDUSTRIAL PRINTING, and HOWARD STERN, on behalf of themselves and all others similarly situated, Plaintiffs, vs. GOOGLE, INC., Defendant.	CASE NO: C05-03649 JW **DECLARATION OF MICHELE F. RAPHAEL IN SUPPORT OF PLAINTIFFS' ADMINISTRATIVE MOTION PURSUANT TO CIV. L.R. 79–5(d) TO FILE UNDER SEAL PORTIONS OF PLAINTIFFS' SUPPLEMENTAL REPLY MEMORANDUM DUE TO CONFIDENTIAL DESIGNATIONS BY DEFENDANT GOOGLE, INC.** Civ. L.R. 79-5(d) Courtroom: 8 Judge: Hon. James W. Ware

Dockets.Justia.com

I, **MICHELE F. RAPHAEL**, declare as follow:

1. I am a member of Wolf Popper LLP, counsel for Plaintiffs CLRB Hanson Industries, LLC d/b/a Industrial Printing and Howard Stern (collectively, "Plaintiffs") in this action against Google, Inc ("Google"). I have personal knowledge of the facts stated herein. I submit this declaration in support of Plaintiffs' administrative motion pursuant to Civ. L. R. 79-5(d) to file under seal, portions of Plaintiffs' Supplemental Reply Memorandum in Support of Plaintiffs' Motion for Partial Summary Judgment ("Plaintiffs' Supplemental Reply Memorandum") because it incorporates, refers to, and/or cites documents which Defendant Google, Inc. has designated confidential pursuant to the Protective Order entered on May 15, 2007.

2. Plaintiffs' Supplemental Reply Memorandum addresses information gleaned from discovery ordered by this Court, namely, the depositions of Google employees, Mr. Schulman, Ms. Wilburn and Mr. Venkataraman, and documents produced by Google in connection with these depositions.

3. Defendant has designated the entire transcripts from the depositions of Messrs. Schulman and Venkataraman as confidential and has designated portions of the transcript from Ms. Wilburn's deposition as confidential. Defendant has also designated as confidential exhibits marked at these depositions. Plaintiffs have objected to Defendant's en masse designations without regard to the specific content of the documents, as improper and in violation of the Protective Order. Plaintiffs have also requested that Defendant provide tailored designations, as required. Nevertheless, as of this time the documents are still designated confidential and therefore, as per the Protective Order, Plaintiffs need to request that certain portions of Plaintiffs' Supplemental Reply Memorandum be filed under seal.

4. Concurrent with this submission, Plaintiffs are lodging with the Clerk of the Court two copies of Plaintiffs' Supplemental Reply Memorandum which identify by yellow highlighting those portions which annex, cite, and/or refer to material designated by Defendant as confidential. One copy is intended for review by this Court. Plaintiffs are also lodging with the Clerk of the Court

a redacted version thereof to place in the public record in the event this Court orders that the highlighted portions be filed under seal.

Dated: May 29, 2007

/s/
Michele F. Raphael